

BRITISH COLONIAL TRADE.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

EXTRACTS OF A LETTER

FROM THE

MINISTER OF THE UNITED STATES, AT LONDON,

RELATING TO THE

LATE DISCUSSIONS WITH THE GOVERNMENT OF GREAT BRITAIN,

CONCERNING THE

TRADE BETWEEN THE UNITED STATES,

AND THE

BRITISH COLONIES IN AMERICA.

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DECEMBER 18, 1826.

Read, and referred to the Committee on Commerce.

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WASHINGTON :

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1826.



*To the Senate and House of Representatives of the United States :*

WASHINGTON, 8th December, 1826.

I transmit to Congress extracts of a letter received since the commencement of their session, from the Minister of the United States at London, having relation to the late discussions with the Government of Great Britain, concerning the trade between the United States and the British colonies in America.

JOHN QUINCY ADAMS.

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*Extract of a Bepatch, No. 16, from Mr. Gallatin to Mr. Clay, dated*

“LONDON, 27th Oct. 1826.

“Mr. Canning, in his official note of 11th September last, on the subject of the colonial intercourse, has the following observation respecting the provision of the act of Congress of 1st March, 1823, which prevented British vessels entering American ports except directly from the British West Indies, from clearing out for any of those colonies : ‘It must not be forgotten that this enactment, founded ‘professedly on the limitations of the British act of Parliament of 1822, is continued fourteen months after the passing of the British act of 1825, by which the limitations were done away. Since the 5th of January, 1826, an American ship trading to a British West India colony may clear out from thence to any part of the world, the United Kingdom and its dependencies alone excepted. But the British ship in the American port still remains subject to all the restrictions of the American laws of 1823,’ &c. Although I did not know, at the time, what act of Parliament of 1825 was alluded to, I could have no doubt of the repeal of the limitations of the act of Parliament of 1823, and thus expressly stated ; and the fact is accordingly taken for granted in my official answer to Mr. Canning, of the 22d of September. Yet, on examining the various acts of Parliament, I have found some difficulty to discover by what act, in what manner, to what extent, and from what date, the said limitations had been actually repealed.

The act of 1822, which contains the limitations alluded to, is that of 24th June, 1822, (44th chap. of 3d Geo. 4th,) entitled ‘An act to regulate the trade between his Majesty’s possessions in America and the West Indies, and other places in America and the West Indies ;’ and the limitations in question are two. By the 3d section, goods imported in foreign ships into the free ports of the British colonies, must be shipped and brought directly from the country or place of which they are the growth, produce, or manufacture. By the 4th section, goods exported from any of the said free ports in foreign ships, must be exported direct to the country or state to which such ship belongs. Although Mr. Canning has used the word *limitations* in the plural number, it is clear that he intended to apply his observation ‘that the limitations were done away,’ to the last mentioned limitation only, and not to the first.

The act of 5th July, 1825, (6th Geo. 4th, chap. 114,) entitled ‘An act to regulate the trade of the British possessions abroad,’ does not contain any clause repealing either of the limitations of the act of 24th June, 1822. But the fourth section states that, by the *law of navigation*, foreign ships are permitted to import into any of the British pos-



sessions abroad, from the countries to which they belong, goods the produce of those countries, and to export goods from such possessions to be carried to any foreign country whatever.

The *law of navigation*, referred to as above, must be the act, also, of 5th July, 1825, (6th Geo. 4th, ch. 109,) entitled, "An act for the encouragement of British shipping and navigation." It is enacted by its first section, that the act shall be in force from the 5th of January, 1826, and shall constitute and be the *law of navigation* of the British empire. The 11th section provides "that no goods shall be imported into any British possession in Asia, Africa, or America, in any foreign ships, unless they be ships of the country of which the goods are the produce, and from which the goods are imported." The 4th and 10th sections provide against the importation, in foreign ships, into the United Kingdom, or into any British possession in Asia, Africa, or America, of goods carried from any such British possession. There is not in the act any provision restricting the exportation of goods from any such British possession in foreign ships to any foreign country whatever. But the act does not expressly repeal any such restriction previously in force, nor indeed any former act whatever relating to trade and navigation. The preamble, which makes part of the first section, only states that the laws relating to the encouragement of British navigation will be repealed in consequence of another act passed in the same session of Parliament, entitled "An act to repeal the several laws relating to the customs."

This last mentioned act is that of 6th Geo. 4th, ch. 105, passed, also, on the 5th of July, 1825. Though purporting from its title to repeal only custom house laws, this act repeals, from and after the 5th day of July, 1826, so much and such parts of the several and respective statutes therein after mentioned and recited, as relates to the trade and navigation of the Kingdom, or to the importation or exportation of goods, &c. &c. The statutes thus therein sanctioned and repealed, amount to about four hundred and fifty, including, as I believe, all former acts relating to the trade and navigation from 17th Richard 2d to 5th Geo. 4th, ch. 94. The 16th section specially repeals so much of the navigation act, 12th Charles 2d, ch. 18, as remains unrepealed; and the 359th section repeals altogether the first abovementioned act of 24th June, 1822, (3 Geo. 4th, ch. 44,) entitled "An act to regulate the trade between his Majesty's possessions in America and the West Indies, and other places in America and the West Indies."

From what precedes, it follows, first, that the restriction which limits the importations, in foreign vessels, of goods into the British West Indies and American Colonies, the vessels of the country of which the goods are the produce, and coming direct from [such] country, having been revived by the navigation act of 5th July 1825, is still in force; secondly, that the restrictions which limited the exportations in foreign vessels, of goods exported from the British West Indies and American Colonies, to a direct exportation to the country to which such vessel did belong, is so far repealed, as that such exportations, in such vessels,

may be made to any country whatever, Great Britain and its dependencies only excepted.

But it would seem that that repeal took place from the 5th of July, 1826 only; and Mr. Canning having stated that it had taken place from the *5th of January, 1826*, I have addressed a private letter to Mr. Planta, acting Secretary of State during Mr. Canning's absence, asking an explanation of that apparent discrepancy, to which, however, not much importance can be attached.

From the tenor of your instructions of the 19th June, and 8th of August, 1826, it appears that even to the last date, you were under an impression that both the limitations of the act of Parliament of 24th June, 1822, on the indirect or circuitous intercourse with the British Colonies, were still in force; this, considering the manner in which the repeal of the limitation in question has been effected, is not a matter of surprise; and there was another circumstance calculated to strengthen that opinion.

It appears, from your instruction of the 19th June last, that the two acts of Parliament on that subject which had reached you or attracted your notice, were the act of 5th July, 1825, (6th Geo. 4th ch. 114,) to regulate the trade of the British possessions abroad, and an act of 27th June, 1825, (6th Geo. 4th, ch. 73,) entitled "An act for the further regulating the trade of His Majesty's possessions in America, and the West Indies, and for the warehousing of goods therein." By the sixth section of the last mentioned act, the permission to export in foreign vessels, goods from any of the British Colonial free ports to any foreign country, taken in the most extensive sense of which it is susceptible, applies only to countries in Europe, Africa, or Asia, within the Mediterranean Sea, and to ships belonging to such countries. It does not extend to America, and does not embrace American ships. And it was, therefore, a natural inference, that the 4th section of the act of 5th July, 1825, (6th Geo. 4th, ch. 114,) when stating that foreign ships were permitted to export goods from the British possessions abroad, to any foreign country whatever, referred to the last mentioned sixth section of the act of 27th June, 1825, and had no reference to American ships. It is proper here to add, that this act of 27th June, 1825, has since been repealed, not by the act above mentioned, of 5th July, 1825, (6th Geo. 4th ch. 105,) "to repeal the several laws relating to the customs," but by a subsequent act of 26th May, 1826, (7th Geo. 4th ch. 48.)

It seems to me, that the intricacy of these several acts of Parliament, and the difficulty of understanding their precise meaning, might have been considered by the Government of Great Britain, as a sufficient reason, why that of the United States might not have been disposed to accept the conditions on which, by those acts, the intercourse was opened with the British Colonies, without having previously, at least, come to an understanding of their true intent and meaning. In point of fact it was understood by the American Government that one of those conditions was a prohibition to export goods in American vessels, from those Colonies to any other country than the United States."

